

STATE COMMITTEE OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

REGULAR MEETING

Friday, June 2, 2006, 9:00 a.m.

Department of State Health Services

Exchange Building, Room S-402

8407 Wall Street

Austin, Texas 78754

MINUTES

**Committee Members Present:**

Ronald J. Ensweiler, President

Richard Davila, II

Rosemary Geraci

Melissa Rodriguez

Ken Haesly

Kenneth Earl

Jerome Kosoy

Sara Garza

**Committee Members Absent:**

Audrey McDonald

**DSHS Staff Present:**

David Richards

Joyce Parsons

Stephen Mills

Debbie Peterson

Eileen Hartman

Becky Evers

Stewart Myrick

**Guests Present:**

Ray Jones

Amy Trost

Joe Geraci

David Brown

**Agenda Item 1** was the call to order by Mr. Ensweiler at 9:02 am.

**Agenda Item 2** was the introduction members, staff, and guests.

**Agenda Item 3** was public comment. There was none.

**Agenda Item 4** was the review and approval of minutes from the committee meeting held on February 23, 2006. Dr. Kosoy made a motion to accept the minutes as written. The motion was seconded and passed unanimously.

**Agenda Item 5** was the discussion and possible action regarding the subcommittee reports of meetings held on June 1, 2006.

Ms. Geraci gave the Complaints Subcommittee report. She reported that nine complaints were considered. The subcommittee proposed additional administrative penalties of \$250 and a probated suspension for one complaint. Six complaints were closed with advisory letters, and two complaints were closed with no action. Ms. Geraci made a motion to accept the report. The motion was seconded and passed unanimously.

Dr. Rodriguez gave the Continuing Education Subcommittee report. She reported that the subcommittee discussed the issue regarding Amplifon's status as a provider, and they passed a motion to send a letter to Amplifon for further information. Dr. Rodriguez made a motion to accept the report and the recommendation of the subcommittee regarding the continuing education requirement. The motion was seconded and passed unanimously.

Mr. Davila gave the Applications Subcommittee report. He reported that the subcommittee heard two requests for reciprocity and two inquiries. The two requests were approved pending verification of the examinations taken. The two inquiries will be answered with letters requesting that the individuals make application for licensure. The subcommittee heard a request for additional testing opportunities, and the subcommittee approved the individual to have one final opportunity to take the masking portion of the examination. The subcommittee also discussed the possible development of a jurisprudence exam. Dr. Rodriguez made a motion to accept the report. The motion was seconded and passed unanimously.

**Agenda Item 6** was the discussion and possible action regarding denial of license renewal for failure to complete 20 clock-hours of continuing education during each year of the two-year renewal period (for example, completion of 25 hours the first year and 15 hours the second year). Mr. Davila made a motion to direct staff, upon review of a continuing education audit, to accept documentation provided that indicates a total of 40 continuing education hours. The motion was seconded and passed with opposition.

**Agenda Item 7** was the update from the Committee Chair regarding the administration of the practical examination, including the masking portion. No action was taken.

**Agenda Item 8** was the discussion and possible action regarding the petition of Ray Jones for amendments to 22 Texas Administrative Code §141.16. Ray Jones made a presentation. Ms. Geraci made a motion to deny the petition due to the language proposed for §141.16(b)(f). The motion was seconded and passed unanimously.

The committee recessed at 11:04 am. The committee reconvened at 11:15 am.

Mr. Davila made a motion to accept his proposal for modification of language in §141.16 with the addition of language of enforcement in §141.16(f) regarding proof of the calibration of a stationary acoustic enclosure biennially. The motion was seconded and passed with opposition. One member abstained. Specific language regarding the enforcement piece was not decided on, only the general concept of enforcement was included in the motion. This is the language that will be on the agenda at the October meeting for approval to publish in the Texas Register. Staff will have a document prepared for that meeting that shows exactly what words are proposed for addition and what is proposed for deletion, based on the one-page document Mr. Davila handed out and the motion above.

**Agenda Item 9** was the discussion and possible action regarding the petition of Texas Hearing Aid Association for amendments to 22 Texas Administrative Code §141.16. Mr. Davila made a motion to deny the request from the Texas Hearing Aid Association with respect to the conditions of sale. The motion was seconded and passed unanimously. Mr. Davila made a motion to add the following language to §141.16(b)(1), "At the time the hearing instrument is delivered to the client, the client shall be informed, in writing, of the last day of the 30-day trial period, which must be a business day and not a day on which the licensee is closed for business." The motion was seconded and passed unanimously.

**Agenda Item 12** was the management report from the Professional Licensing and Certification Unit, Texas Department of State Health Services. Ms. Peterson reported on the refinement of the unit, the criminal history audit, work with the House Committee on Government Reform, and the new licensing database. No action was taken.

**Agenda Item 10** was the Committee Chair report. Mr. Ensweiler reported on scheduling meetings.

**Agenda Item 11** was the Executive Director report. Ms. Parsons reported on the date of the next meeting, open government training, and the status of the licensing program.

**Agenda Item 13** was announcements and committee member comments not requiring committee action. There was none.

**Agenda Item 14** was the adjournment of the meeting. Mr. Earl moved to adjourn. The motion was seconded and passed unanimously at 12:38 pm.

Approved by the committee on October 6, 2006

Ronald Ensweiler, President

Joyce Parsons, Executive Director